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PTO/SB/29 (1/98)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☒ **DUPLICATE**

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.	454313-2340.2
Inventors	ELLIS ET AL.
Examiner Name	FOLEY, SHANON
Group/Art Unit	1648
Express Mail Label No.	EV141991991

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This request for a ☐ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(a continued prosecution application (CPA)) of prior application number 09/680,228
filed on OCTOBER 15, 1999, entitled: **PREVENTION OF MYOCARDITIS, ABORTION AND INTRA-UTERINE
INFECTION ASSOCIATED WITH PORCINE CIRCOVIRUS-2**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either:

(1) complete as defined by 37 C.F.R. § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 1.54(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☒ This paper is responsive to the July 16, 2002 Final Office Action and the December 16, 2002 Advisory Action.
2. ☒ A Preliminary Submission is submitted herewith wherein it is respectfully requested that the term for reply to the July 16, 2002 Final Office Action be extended three months, and that the Second Amendment After Final Action filed November 1 and 14 2002 and the Communication filed November 14, 2002, all be entered; and, such is also herein respectfully requested.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))		57	37	x \$ 18 =	\$ 666.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (l))		1	0	x \$ =	.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ 280.00 =	280.00
				BASIC FEE (37 C.F.R. § 1.16)	740.00
					.00
				Total of above Calculations =	\$.00
				Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).	
				* Reissue claims in excess of 20 and over original patent.	\$
				** Reissue independent claims over original patent.	\$
				TOTAL =	\$ 1686.00

01/03/2003 CV0111 00000094 09680228

01 FC:1006
02 FC:1202
03 FC:1203

740.00 OP
666.00 OP
280.00 OP

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Estimated Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0320

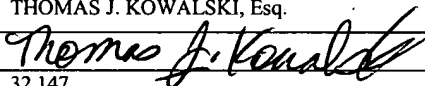
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
- c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☒ A check in the amount of \$ \$1686.00 is enclosed.9. ☒ Other: A three-month extension of time is requested. A check for \$810.00 is also enclosed in payment of the fee therefor, as a one month extension with the fee therefor (\$100.00) was previously paid (see enclosed Preliminary Submission).

10. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label 20999		(Insert Customer No. or Attach bar code label here)		or <input type="checkbox"/> New correspondence address below	
Name	Thomas J. Kowalski FROMMER LAWRENCE & HAUG LLP				
Address	745 Fifth Avenue				
City	New York	State	NY	Zip Code	10151
Country	U.S.	Telephone	(212) 588-0800	Fax	(212) 588-0500

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

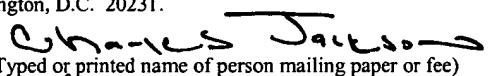
Name (Print/Type) Attorney	THOMAS J. KOWALSKI, Esq.
Signature	
Registration No. (Attorney/Agent)	32,147
Date	December 31, 2002


EXPRESS MAIL

Mailing Label Number: EV141991991

Date of Deposit: December 31, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


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